

# Item 4

## SEDFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

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1. 7/2007/0043/DM APPLICATION DATE: 22 January 2007

PROPOSAL: **ERECTION OF EXTENSION TO SIDE**

LOCATION: **THE POTTERS SHOP CROSS STREET SEDFIELD STOCKTON ON TEES**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr W Todd  
Potters Shop , Cross Street, Sedfield, Stockton on Tees

#### CONSULTATIONS

1. SEDFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr. D R Brown
4. Cllr. J Wayman J.P.
5. DCC (TRAFFIC)
6. BUILDING CONTROL
7. CIVIC TRUST
8. VALUER
9. L.PLAN
10. ECONOMIC DEV
11. DESIGN
12. LANDSCAPE ARCH
13. POLICE HQ
14. DCC (TRAFFIC)
15. SEDFIELD TC

#### NEIGHBOUR/INDUSTRIAL

Cross Street:1,2,5

High Street:50

Rectory Row:23,25,26,27,28,29,30,31,32,33,35,36,37,38,Barrington Lodge,Shute House,Sedfield Social Club

St Edmunds Church

Crispin Court:14,13,12,11,10,9,8,7,6,5,4,3,2,1

Front Street:50,52,54,56,58,60,62,21,23,25,26,27,29,31,33,39,41,43

#### BOROUGH PLANNING POLICIES

- |     |  |
|-----|--|
| E18 | Preservation and Enhancement of Conservation Areas               |
| E21 | Development affecting the Setting of a Listed Building           |
| T7  | Traffic Generated by New Development                             |
| D1  | General Principles for the Layout and Design of New Developments |
| D4  | Layout and Design of New Industrial and Business Development     |

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**THE PROPOSAL**

Detailed planning permission is being sought to extend a commercial property known as the 'The Potters Shop' which is situated on Cross Street Sedgfield Village. The application as originally submitted measured approximately 19 metres long by 5 metres wide a maximum height of 6.5 metres. The drawing below shows the proposal as originally submitted.

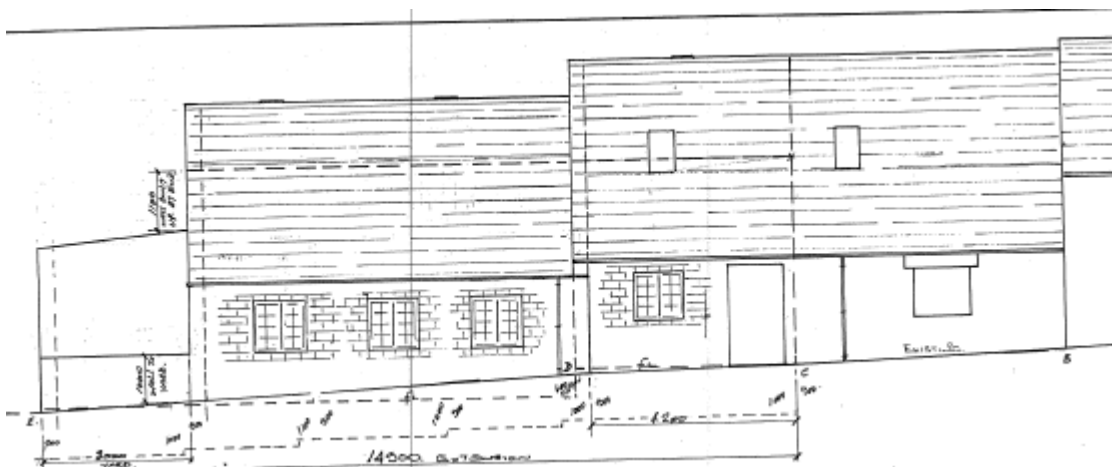


Figure 1. The original proposal

The proposal was subsequently amended following concerns regarding its massing and design. The scheme in its revised form now entails an extension which would measure approximately 19 metres long by 5 metres wide with have a maximum height of 5.5 metres. The extension would have a sloping roof which would step down to accommodate a change in levels as shown by the illustration below. This helps to break up the massing of the building.

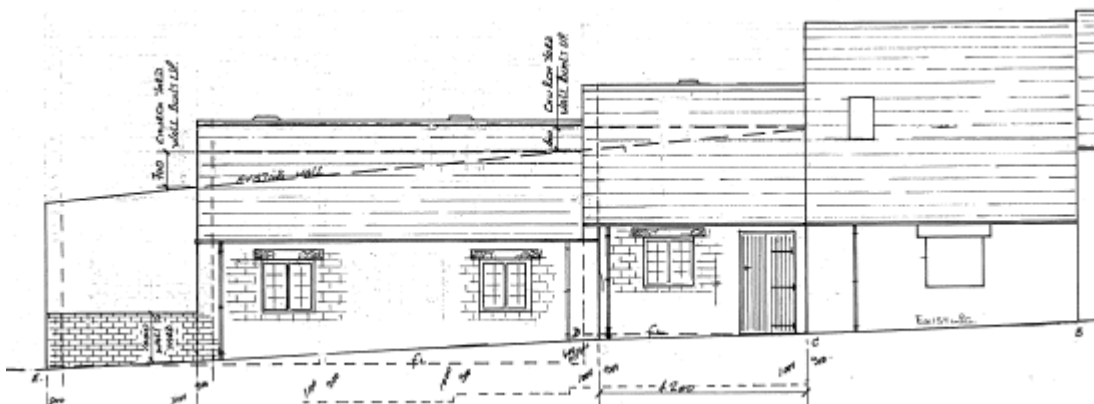


Figure 2. The revised proposal

The extension would provide additional storage space to enable the applicant to store clay, glazes and tools and to store and repair kilns. The roof void of the extension would be used as an office facility but owing to limited head heights would not provide a great deal of useable floorspace.

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**CONSULTATION RESPONSES**

Sedgefield Town Council objected to the original proposal on a number of grounds and these are summarised below:

*The extension is of a considerable size and would result in overdevelopment.*

*The proposal appears to represent a change from what is primarily a retail outlet to manufacturing which would not be appropriate close to a residential area.*

*The proposal is not considered to be in keeping with St. Edmunds Church Grade II\* Listed Building.*

Following the re-consultation exercise on the amended scheme Sedgefield Town Council reiterated their original objections to the proposal but also commented that:

*There continues to be access issues on Cross Street.*

*In allowing the proposals as submitted whilst accepting that these are for business/workshop use at present the extensions as proposed could then be easily converted into a dwelling.*

Sedgefield Civic Trust in commenting on the original proposal expressed a number of concerns and these are summarised below:

*The building will impede the natural view of St. Edmunds Church as well as how it will look.*

*Overdevelopment of the site and developing into a more industrialised site being out of character with the conservation area.*

*It would be more appropriate to accommodate the additional storage problems in the nearby Salters Lane Industrial Estate.*

*Additional traffic or larger vehicles will add to safety concerns and increase congestion problems that already exist.*

*The extension could be converted into cottages at some point in the future.*

To date Sedgefield Civic Trust has not commented upon the revised scheme.

The County Council as the Highway Authority sought clarification upon a number of issues in relation to the original proposal. These principally related to the width of an access to be created in the southern boundary wall. As the revised drawings now show a width of 2.4 metres the County Engineer has indicated that this is 'acceptable from a highway point of view'.

The Police Architectural Liaison officer had no observations to make upon the original proposal and has not commented upon the revised scheme.

Five letters of objection were received from local residents in response to the initial consultation exercise. The principal objections to the application as original submitted are summarised below:

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*The proposal would adversely affect the appearance of the area and as such would be inappropriate within a Conservation area. Views of the Conservation Area and the church should be preserved and not obstructed.*

*The use proposed would be inappropriate within a residential area and should be located within an Industrial Estate. The repair of kilns implies noise which will affect the residential quality of the area. Doubling the size of the premises would change the very nature of the present Pottery business from a craft-based outlet to a predominantly storage, sales and distribution outlet. In the future the premises could become even busier or perhaps 2 such businesses.*

*The proposal would result in an increase in deliveries including 40 feet articulated lorries and car parking further increasing noise and traffic congestion/hazards on Rectory Row and Cross Street. The local roads are not suitable for such large lorry movement. Unloaded goods would obstruct the pavements in area presently a danger to local residents. An expansion of the business will lead to increased traffic and delivery vehicles. Visibility would be decreased increasing the danger to pedestrians' especially elderly pedestrians and mothers with young children.*

*The proposal which incorporates velux rooflights would result in direct overlooking with a resultant loss in privacy.*

*If permission were granted the use would subsequently be changed to residential premises exacerbating car parking and congestion. The height of building will have the effect of restricting natural light entering the properties on Cross Street.*

*The construction of the extension would give rise to noise and dust and access inconvenience.*

*It will be impossible to construct any extension in such a way that it would blend in the aesthetic and external appearance of the building.*

One further letter sought clarification regarding a caveat that the premises would remain a pottery. The letter also expressed concern that lifting the caveat would enable the premises to be converted into residential.

Following the receipt of the revised proposal local residents/objectors were re-consulted. Three letters were received in response and these primarily reiterate the objections that residents raised in respect of the original proposal. Opposition to the proposed development remains strong despite the alterations and do not alleviate the residents concerns that the premises would be changed into residential dwellings.

**PLANNING CONSIDERATIONS**

The main planning considerations in this instance are the impact that the proposal would have upon:

- The character and appearance of the area.
- Residential amenity in terms of loss of privacy, light and peace and quiet.
- Highway safety.

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The character and appearance of the area

The application site is situated in the heart of the Sedgfield Village Conservation Area. Strategic guidance at a national, regional and county level advocate that the character and appearance of the built environment should be enhanced and where appropriate protected. This approach is reinforced by Policy E18 of the Borough Local Plan which stipulates that development which would detract from the character and appearance of conservation areas would not normally be allowed. Following consultation with the Council's Conservation Officer it was determined that the bulk and scale of the extension as originally submitted was excessively large and competed with the existing building rather than being subordinate to it. The proposal as originally submitted therefore failed to preserve and enhance the character of the conservation area. The applicant was therefore requested to consider an alternative and less bulky form of development. In response the applicant submitted the revised scheme which is shown at figure 2. above. The proposal in its revised form benefits from a lower ridge line with a 'step down'. These revisions help to improve the proportions of the extension and ultimately reduce its scale and bulk. In its revised form the design of the extension is considered to be in keeping with scale and character of the pottery and as such will not have an adverse impact upon the appearance of the Conservation.

It should also be noted that the application site is physically attached to the curtilage of St. Edmunds Church a Grade I Listed Building. The impact of the development on the setting of the Listed Building is a material consideration and this is reflected in Policy E21 of the Borough Local Plan. This policy seeks to ensure that development does not adversely affect the setting of a Listed Building and this is particularly important when considering the impact on a Grade I Listed Building as they are a scarce resource. On this occasion the proposal will screen part of a stone retaining wall which effectively forms the eastern boundary of the church grounds. The primary views of the church are from the north, west and south and as St. Edmunds Church is at a higher level than the application site it is considered that the proposal will have a limited impact its setting.

Residential amenity in terms of loss of privacy, light and peace and quiet

The distance between the front elevation of the proposed extension and that of the residential properties directly opposite would range from approximately 7 metres to 9 metres. Therefore in order to protect the privacy of existing residents it is proposed to impose a condition requiring the installation of obscure glazing within the windows that face onto Cross Street.

With regards to residents concerns that the extension will result in a loss of light it must be noted that the extension is a single storey structure. Furthermore the amended scheme incorporates a lower ridge line which will help to reduce its impact. Whilst the proximity of the extension will inevitably result in some loss of light it is not considered that this would be sufficient to warrant the refusal of planning permission.

In terms of noise and disturbance the primary function of the extension is to provide additional storage space for clay, glazes and tools. These activities are unlikely to give rise to significant noise and disturbance. The applicant has however indicated that the extension will be used for the repair and storage of kilns. Whilst it is understood that kilns will be repaired infrequently it is considered that any consent should provide measures to protect the amenity of nearby residents. It is therefore proposed to impose conditions restricting opening hours and requiring the applicant to install sound insulation measures in accordance with a scheme to be submitted to and approved prior to the extension being brought in use.

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Residents have also expressed concern regarding the noise generated by delivery vehicles. As deliveries are likely to be infrequent and any noise will be heard against existing background noise levels it is not considered that noise generation from delivery vehicles would have a significant impact upon the residential amenity of the area. Furthermore, as it is proposed to restrict the opening hours of the extension noise will not be generated early in the morning, late at night nor on a Sunday.

Finally, residents have expressed concern regarding noise and dust generated whilst the extension is being constructed. In this regard it is proposed to impose conditions in relation to the timing of deliveries and when the operation of plant and machinery can take place.

**Highway safety**

A significant concern of local residents is the level of traffic which will be generated by the proposal and the consequent danger to highway safety. Durham County Council as the Highway Authority has been consulted upon the proposal and has confirmed that the proposal in highway terms is acceptable. In the absence of an objection from the County Council refusing planning permission on highway grounds would be difficult to substantiate on appeal.

**CONCLUSION**

The design of the proposed extension in its amended form is considered to be acceptable as it reflects the design of the host building and is in keeping with character and appearance of the surrounding Conservation Area. Potential noise problems have been addressed through the imposition of conditions and in the absence of an objection from the Highway Authority the proposal in highway safety terms is considered to be acceptable.

Issues relating to the possibility that consent will be sought, at a later date, for residential development is not considered to be material to the outcome of this application.

**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have taken into account in dealing with the above application.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION**

**It is recommended that planning permission be granted subject to the following conditions:**

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1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: Amended plans received 6th July 2007 (Drawing no. 300806 Issue D)

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. Notwithstanding the details included on the approved plans no development shall commence until a detailed specification for all window and door openings have been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with approved details.

Reason: In the interests of preserving the historic environment and to comply with Policy E18 of the Sedgefield Borough Local Plan.

5. All windows in the elevation fronting onto Cross Street shall be fitted with obscure glazing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory level of privacy of neighbouring occupiers.

6. The development hereby approved shall only be open business the hours of 8:30 am and 6pm Monday to Friday, 9am to 2pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

7. The development hereby approved shall not be brought into use until sound attenuation measures designed to control noise emissions arising from the repair of kilns have been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

8. Construction work and deliveries associated with the proposal shall only take place between the hours of 8am and 6pm Monday to Friday, 9am to 2pm on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In order to protect the amenity of local residents and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

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In the opinion of the Local Planning Authority the proposal is acceptable in terms of its location, design, use of materials, layout, amenity and highway safety.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgfield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

Policy E18 - Preservation and Enhancement of Conservation Areas

Policy E21 - Development Affecting the Setting of a Listed Building

Policy T7 - Traffic Generated by New Development

Policy D1 - General Principles for the Layout and Design of New Developments

Policy D4 - Layout and Design of New Industrial and Business Development



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2. 7/2007/0149/DM APPLICATION DATE: 16 March 2007

PROPOSAL: **RENEWAL OF TEMPORARY PLANNING PERMISSION  
7/2006/0222/DM FOR CHANGE OF USE OF LAND FOR USE BY  
MODEL FLYING CLUB**

LOCATION: **LAND ADJACENT TO MOOR LANE OLD ELDON CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Shildon Model Flying Club

**CONSULTATIONS**

1. Cllr. I. Smith Jackson
2. Cllr. L. Smith
3. Eldon Parish Council
4. DCC (TRAFFIC)
5. ENGLISH NATURE
6. ENV AGENCY
7. WILDLIFE TRUST
8. ENGINEERS
9. ENV. HEALTH
10. L.PLANS
11. POLICE HQ
12. DCC (PROWS)

**NEIGHBOUR/INDUSTRIAL**

Eldon Hall Farm  
The Garth  
Eldon Lodge  
Moor Lane:1,2,3,4,5,6,7,8  
South View Cottages:2,1  
The Croft  
The Croft  
Old Eldon:8,1,1,Old Eldon Residents Association

**BOROUGH PLANNING POLICIES**

- |     |   |
|-----|---|
| E9  | Protection of the Countryside   |
| L6  | Development of Leisure Facilities and Uses Outside Towns and Villages |
| T7  | Traffic Generated by New Development                                  |
| E14 | Safeguarding Plant and Animal Species Protected by Law                |

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**BACKGROUND**

Shildon Model Flying Club has used 7 hectares of land at Moor Lane, Old Eldon since 2003 for the flying of model aircraft. The first two years involved use of the land on no more than 28 days in each year and this was permitted under the Town and Country Planning (General Permitted Development) Order 1995.

Planning permission was granted in 2005 for the change of use of the land to use for the flying of model aircraft. That planning consent was granted for a temporary period of 1 year and was subject to a number of conditions to limit noise and the hours of flying, restrict the number of models being flown simultaneously, control access and parking, and require observance of a prescribed flying exclusion zone.

In 2006 that temporary consent was renewed for a further period of 1 year, with similar conditions attached. That consent recently expired.

**THE PROPOSAL**

This application seeks planning permission to continue the use of the land for the flying of model aircraft on a permanent basis. The field that the flying club use has been in 'set aside' and consists of grassland with a close mown area of approximately 38 square metres that is used for take off and landing. There are no buildings or hard surfaces associated with the proposal.

Access to the field is by way of an existing field gate off the unclassified road from Leasingthorne. An existing field track around the edge of the field leads to an area of the field that serves as a car park.

The club currently have 20 members with a maximum upper limit of 35 senior members. The club has a designated 'no fly' exclusion zone of approximately 200 metres to the nearest dwelling and only allows 3 models to be flown at any one time with novice flyers only flying with an instructor present. The club proposes to operate the following activity limitations:

- Internal combustion engine models 10am to 7pm on Wednesdays, Fridays, Saturdays, Sundays and Bank Holidays
- Silent models 10am to dusk any day other than the following flying prohibitions
- No model aircraft shall be flown on Good Friday, Christmas Day, any Monday other than a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday

A copy of a supporting statement by the Shildon Model Flying Club is appended to this report to expand upon the manner in which the site would be operated.

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**CONSULTATION AND PUBLICITY RESPONSES**

**Consultation**

**Eldon Parish Council** has not expressed a view on the merits of the current proposal.

**The Highway Authority** has no objection to the proposal and comments that there do not appear to have been any highway issues during the past two years of operating under the terms of temporary planning consents.

**The SBC Engineering Services Section** has no objection to the proposal.

**The Environmental Health Section** has provided a detailed assessment of monitoring work that has been carried out, including noise measurements taken at the homes of two local residents who have consistently objected to the proposal. Their conclusion is that there is not a significant increase in noise levels over normal background levels as a result of flying activities and there are no grounds for prohibition of activities under environmental protection legislation. Minor amendments to previously imposed conditions are however recommended, along with some new limitations (explained below).

**The Forward Planning Section** comments that Policy L6 of the Local Plan permits leisure uses outside towns and villages, and that the proposal would be acceptable provided the following criteria are met:

- It is not detrimental to the appearance of the local countryside
- It does not result in the loss of an area of nature conservation
- It is not harmful to the living conditions of local residents
- It does not result in congestion on the local road network

Reference is also made to PPS7 which advocates providing appropriate leisure opportunities to enable urban and rural dwellers to enjoy the wider countryside.

**Natural England** has no comments regarding the proposal.

**Durham Wildlife Trust** has not responded.

**The Police Architectural Liaison Officer** has no observations to make on the proposal.

**Publicity**

A site notice was posted near the application site and letters sent to nearby occupiers. In response, a jointly written letter with 11 signatures of local residents, has been received. The main points of objection are summarised (*with comments in italics*) as follows:

1. Any planning permission for the activity must remain temporary (*The value of any temporary planning consent is that it allows the Council to be confident that there would not be significant environmental damage from a development. Once this level of confidence has been reached, there is little justification for withholding permanent planning permission, particularly if appropriately conditioned*)

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2. The site is unsuitable for model flying but there is a willingness to compromise if previously agreed terms that ensure alternate noise free Saturdays/Sundays are reintroduced (*The application site in physical terms is suitable for model flying, and it is simply the location some 200 metres to the east of Old Eldon that gives rise to objections. The planning considerations below explain how conditions have to date controlled the use of the site and how monitoring has failed to establish significant harm to residential amenity*)
3. Evidence has been submitted by objectors that demonstrates administrative incompetence by the applicants, over flying of the no-fly zone, excessive noise, model crashes, poor supervision, and breaches of the British Model Flying Association's rules (*Objectors submissions make various allegations relating to the operation of the site, but this is not regarded as firm evidence of a breach of the previous conditional planning consents*)
4. Noise tests have identified breaches of the noise limits resulting in modifications to aircraft (*The Environmental Health Section point out that all models tested to date have complied with the Code of Practice on Noise from Model Aircraft 1982, although one model did require adjustment to correct a small breach of the 80dB(A) limit set out in the conditional planning consent.*)
5. The applicants claim to be moving towards flying less noisy models but this has not been demonstrated (*This issue has not been over-emphasised by the applicants, and little regard has been had to the matter in the planning considerations below*)
6. Insufficient monitoring has taken place to properly assess noise pollution (*The Environmental Health Section determines the appropriate level of monitoring and this has been carried out by officer visits, noise measurements and providing residents with monitoring sheets*)
7. An apparent offer by Eldon Estates to relocate the club elsewhere has not been taken up (*Any agreements between the Club and the landowner are not material planning considerations. Despite any possible arrangements for use of land elsewhere, the applicants have stated categorically that they wish the current application to be determined*)

A copy of the objectors' letter is appended to this report.

### PLANNING CONSIDERATIONS

The main planning considerations in this case are:

- Impact on the appearance of the local countryside
- Effect on plant and wildlife species
- Effect on the living conditions of local residents
- Impact on the local road network

PPS7 is generally supportive of the proposal. Assessment of the proposal against the above criteria will determine whether the proposal accords with the local development plan.

#### Impact on the appearance of the local countryside

The proposal involves only the use of the land for the purposes of flying model aircraft, and does not include any significant operational development. Access is by way of an existing field gate, and vehicles pass through the site on an existing track to a part of the field identified for parking. Small marker posts identify the edge of the no-fly zone to ensure that members can

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keep their models away from the prohibited area. Apart from the presence of a small number of club members and their models at the approved times, the only operation is to maintain a close-mown area of grass for take-off and landing.

It is concluded that the absence of operational development and the intermittent presence of club members and their models has negligible visual impact upon the countryside.

**Effect on plant and wildlife species**

It is not considered that the proposal represents a significant hazard to ecology beyond those resulting from normal agricultural activities. Indeed, Natural England have not raised any issues in this regard.

**Effect on the living conditions of local residents**

The previous temporary consents have provided an opportunity to monitor and assess the environmental effects of the activity. Whilst there have been several objections received from local residents regarding the noise that is generated from the aircraft, the Council has not relied upon unqualified judgements to assess the noise issues, and noise measurements have been taken by Environmental Health Officers using approved equipment. Those measurements include individual aircraft noise at a distance of 7 metres, and comparative measurements at Tree Tops and The Garth, including background noise with no flying and noise with 2 to 3 models flying. Minor adjustments were required to correct a small noise breach with one particular model. At the two residential properties (the nearest is 200 metres away from the outer edge of the no-fly zone, noise levels were relatively unaffected.

In any event, planning conditions to control environmental pollution would remain, subject to amendments recommended by the Environmental Health Section. The number of simultaneously flown aircraft has been reduced from 4 in the previous consent to 3 in the current proposal. Clearly, models with electric motors are virtually silent but the combustion engines generate the main source of noise. In order to reduce noise from combustion engine models the club enforces the guidelines set out in the Code of Practice and ensures that such models are adequately muffled and do not exceed the maximum noise level of 80dB(A). Whilst there is a growing trend to switch to electric motors, this has not been given much weight in the consideration of the proposal because it still represents a modest percentage of all models currently flown.

For these reasons, it is concluded that there has been insignificant impact upon the living conditions of local residents to date, and that this is unlikely to change, particularly if appropriate conditions continue to be used to control environmental impact. In this regard, the previously imposed noise limitation condition has been modified in accordance with recommendations made by the Environmental Health Section in respect of the position from which noise is monitored, and several informatives are proposed to establish some parameters for the monitoring and control of noise.

**Impact on the local road network**

The proposed means of access to the site via the existing field gate is considered to be acceptable. The club currently only has 20 members (a reduction on previous years) and the number of people on the site would rarely exceed 10 at the busiest time. All vehicles follow an existing field grass track to an area where the vehicles are parked. It is not proposed to lay any

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form of surfacing material in order to create a car park. The Highway Authority has commented that the applicant's assessment of impact on the public highway to be 'fair and reasonable' and does not object to the proposal for permanent planning permission.

**CONCLUSION**

The use of the 'set-aside' agricultural land for flying radio controlled model aircraft has been carried on for some 4 years, either under permitted development rights or with the benefit of conditional temporary planning permissions. Whilst it is acknowledged that significant correspondence has continued to be received, principally from one local resident and primarily by email updates, no significant noise problems have been identified during the site inspections and monitoring exercises carried out by the Environmental Health Section. The operators have immediately corrected any small anomaly found, demonstrating a degree of responsibility in terms of management of the flying club.

The proposed development is considered to be an acceptable leisure use in the countryside (PPS7) and for all the planning considerations set out above, it is also considered to comply with Policies L6 and E9 of the Borough Local Plan. It is also considered that on balance, permanent conditional planning permission would provide greater security to local residents in terms of protection of residential amenity than unfettered use of the land for up to 28 days in each year under the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION**

It is recommended that planning permission be granted subject to the following conditions:

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. No more than 3 combustion engine model aircraft shall be flown from the site at any one time.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

3. No model aircraft shall produce a noise level in excess of 80dB(A) measured at 1.2 metres above ground level at a distance of 7 metres away from the model(s).

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Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

4. The flying of internal combustion engine model aircraft shall not take place other than within the following times:

Wednesday 10am to 7pm

Friday 10am to 7pm

Saturday 10am to 7pm

Sunday 10am to 7pm

Bank holiday Monday 10am to 7pm

There shall be no flying of any model aircraft on Good Friday, Christmas Day, any Monday except a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday.

Reason: To ensure that the residents of nearby properties are not adversely affected by the development, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

5. The flying of non-internal combustion engine model aircraft shall not take place other than between the hours of 10am and dusk.

Reason: To ensure that the residents of nearby properties are not adversely affected by the development, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

6. There shall be no flying of any model aircraft on Good Friday, Christmas Day, any Monday except a Bank Holiday Monday and any Tuesday that directly follows a Bank Holiday Monday.

Reason: To ensure that the residents of nearby properties are not adversely affected by the development, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

7. Vehicles must only use the field gate, access track and car parking areas as indicated on the submitted plan and no other areas of the site.

Reason: In the interest of the amenity and wildlife protection and to ensure the protection of wildlife and to comply with Policy E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.

8. No model aircraft shall be flown in the exclusion zone as indicated on the submitted plan.

Prior to the commencement of the change of use 1 metre coloured marker poles identifying the no fly zone shall be installed in a location to be agreed in writing by the Local Planning Authority. The marker poles shall be colour coated and extend to a height of 1 metre when measured from ground level.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

9. Notwithstanding the submitted plans the hard standing within the field adjacent to the access gate shall be retained at all times. The hard standing shall be entirely removed and the area of land returned to its former state within 1 month of the expiry of planning permission.

Reason: In the interest of highway safety and the amenity and wildlife protection and to ensure the protection of wildlife and to comply with Policy T6 (Improvements of Road Safety) E14 (Protection of Wildlife) of the Sedgefield Borough Local Plan.

10. Notwithstanding the provisions of Part 4 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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enacting that Order) the application site shall only be used for the flying of model aircraft during the hours approved under Conditions 3, 4 and 5 and shall not otherwise be used for any purpose other than agriculture without the prior approval of the Local Planning Authority.

Reason: In the interests of safeguarding the visual amenity of the residential area, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) and Policy D5 (Layout of New Housing Development), of the Sedgefield Borough Local Plan.

11. Vehicles shall only enter or exit the site via the existing field gate in the northwest corner of the site and from no other access point.

Reason: In the interest of highway safety and to comply with Policy T6 (Improvements of Road Safety) of the Sedgefield Borough Local Plan.

12. The maximum weight of any combustion engine model shall not exceed 7.0kg.

Reason: In the interest of the amenity of neighbouring occupiers and in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

**INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposal is an acceptable form of development in the countryside and would have no substantial detrimental impact on the amenity of neighbouring occupiers or wildlife.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance: Policy E9 'Protection of the Countryside' Policy L6 'Development of Leisure Facilities and Uses outside Towns and Villages' Policy T7 'Traffic Generated by New Development' Policy E14 'Protection of 'Safeguarding Plant and Animal Species Protected by Law'

**INFORMATIVE: NOISE TESTING**

Noise levels from the Model aircraft should be tested by the club on a three monthly basis (Testing requirements to be carried out in accordance with the Code of Practice) and a register of permitted model aircraft be maintained. The test results should be submitted to the Environmental Health Section on a 3 monthly basis.

**INFORMATIVE: MODIFICATION AND RETESTING**

Models exceeding 80dB(A) (planning conditions 3 & 4 refers) should be prohibited from flying until suitable modifications and retesting have been undertaken. Independent testing will also be carried out by Environmental Health staff to verify noise levels.

**INFORMATIVE: CALIBRATION**

To validate/verify noise measurements from the model aircraft, sound level meters should be calibrated by the club with a pistophone prior to and following routine aircraft noise testing.

**INFORMATIVE: CERTIFICATION**

Sound level meters and pistophones used by the club should be calibrated on a bi-annual basis in accordance with BS EN 61672-1203 and the appropriate certification forwarded to the Environmental Health section



**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Shildon Model Flying Club*

**Planning Application 2007 – Summary by the Applicant**

Description:	Change in use of agricultural land to include leisure activity - namely the operation and flying of model aircraft
Location:	Land adjacent to Moor Lane, Old Eldon, Co Durham
Applicant:	Shildon Model Flying Club (SMFC)
Agent	Mr D Surtees
Current status:	The site is being used currently under temporary, conditional consent granted for a period of 12 months
Original Consent Reference:	7/2006/0222/DM
Original Consent Date:	26 May 2006
Expiry Date	25 May 2007

**1. Purpose of this application**

The Applicant (Shildon Model Flying Club) is seeking consent to use the above site on a permanent basis solely for the operation and flying of model aircraft. This is the only proposed variation in the current temporary consent which was awarded on 26 May 2006. No other changes are proposed or required. The applicant considers the existing conditions relating to the use of the site and operation of model aircraft to be both relevant and appropriate.

**2. Background**

Shildon Model Flying Club was established in 1985 to provide a democratic organisation and facilities to enable its members to pursue their interest in the flying of all forms of model aircraft in a controlled environment, and to ensure that its members may pursue their hobby safely and responsibly.

The Club began using the site in 2003 for 28 days per calendar year, under the General Development Order regulations. A planning application was made in September 2004. This resulted in temporary consent being awarded in April 2005 to allow the Club to use the site for a period of 12 months. On 10 April 2006, a further application was made with variations. This resulted in an additional period of temporary consent allowing the Club to continue using the site until 25 May 2007.

The Club has been given permission by the agent acting on behalf of the landowner, to continue its activity beyond 25 May 2007 and wishes to make the planning arrangements permanent

**3. Location**

The Ordnance Survey plan (scale 1 : 2500, 4cm to 100m) appended to this application defines the area currently in use for model flying activity. The whole of the site is under the direct supervision of the Club which has strict rules on the competence of those allowed to operate model aircraft within the site. No members of the public are allowed on the site.

Entry and exit to the site is by way of a gated entrance adopted by the Highways Authority. The Applicant has made further provision to improve visibility by cutting back roadside verges and hedges to afford a clear view to oncoming traffic. The Applicant was required under the current consent to install and maintain an area of hard-standing inside the gate entrance to prevent mud and other material being deposited on the

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Shildon Model Flying Club*

public highway by vehicles leaving the site. This planning condition was discharged by the Applicant to the satisfaction of the planning authority.

The Applicant confirms that no vehicles will be parked on the public highway. All vehicles entering the site are required to park in one of the two designated areas as shown on the site plan associated with this application.

The point of launch of model aircraft has been sited in the eastern sector of the field away from the nearest residential area. A designated no-fly zone has been defined where **no aircraft may be flown at any height**. No aircraft will be flown within 200m of the nearest dwelling. All adjacent roads are in the same designated no-fly zone. Aircraft will not be flown over the public highway. The Applicant was required under the current consent to install marker posts to designate the no-fly zone boundary. This planning condition was discharged by the Applicant to the satisfaction of the planning authority.

**Condition: The Applicant confirms that there have been no changes to the extent or placement of the areas in use as defined in the original consent. No future changes are scheduled or planned.**

#### **4. Activity**

The Applicant has taken account of the relevant advice and definitions set out in the Environmental Protection Act 1990 S.79 (1) (g) and the Department of the Environment Code of Practice on Noise from Model Aircraft 1982. The Applicant has adopted the British Model Flying Association Member's Handbook as its code of practice for safety and general operating guidelines and regulatory practices.

Various measures have been employed by the Applicant to minimise the effect on the amenity of nearby residents including voluntary restrictions on the type and use of model aircraft.

**Aircraft Type** - The Applicant intends to allow the operation of various types of radio-controlled aircraft. There are those that are defined as virtually or in some cases completely, silent. These models are either not powered (gliders), or powered by rubber, compressed air or electric motors. Other aircraft are powered by internal-combustion (i.c.) engines.

**Aircraft weight** - The sport of model flying is subject to legal controls defined by the Civil Aviation Authority (CAA) and included in the Air Navigation Order (ANO). The Applicant is required by law to comply with this legislation. The ANO defines two principal and overarching regulations:

Article 64 requires that: "A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property."

Article 63 requires that: "A person shall not recklessly or negligently act in a manner likely to endanger any aircraft or any person therein."

The CAA defines a small aircraft as a model weighing up to 20kg without fuel. There are no specific conditions attached to models weighing less than 7kg. Models below 20kg but more than 7kg, without fuel, are subject to certain conditions. The model may not be flown:

- a) if the person in charge of the aircraft is not reasonably satisfied that the flight can be made safely
- b) in Class A, C, D or E airspace (effectively any airspace down to ground level) unless the permission of the appropriate Air Traffic Control (ATC) has been obtained
- c) within an aerodrome traffic zone during the notified hours of watch of the ATC unit (if any) at that aerodrome unless the permission of any such ATC unit has been obtained
- d) at a height exceeding 400 feet above the surface unless it is flying in Class A, B, C or D airspace or within an aerodrome traffic zone as described in (b) or (c) above and in accordance with the requirements thereof

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Shildon Model Flying Club*

e) for aerial work purposes if the model is being flown commercially for 'valuable consideration'.

**Condition: The Applicant confirms that no aircraft will be flown that weighs more than 7kg (without fuel).**

**Noise Emissions** - There are no direct legally enforceable noise level requirements for model aircraft but the Applicant is acutely aware of the potential for noise nuisance and has adopted several measures to minimise this possibility. The Applicant has adhered to the current consent condition that sets an upper limit of 80dB(A) for noise emissions from model aircraft engines, and will continue to do so. The Club carries out regular noise emission tests using its own sound meters. Aircraft that do not meet the required standard are not flown until modified.

There is no standard correlation between aircraft size, weight and noise output. Each aircraft has individual characteristics, and different combinations of aircraft will produce variations in the cumulative noise output. The applicant confirms that no more than 3 ic-engined aircraft may be flown simultaneously. This condition is imposed in order to reduce the overall potential for noise nuisance and provide a generous margin thus avoiding the 'cumulative effect' and the potential for disturbance.

**Condition: The Applicant confirms that the number of ic-engined aircraft flown simultaneously will be restricted to 3. An upper noise energy output limit of 80dB(A) will be imposed on individual aircraft.**

**Effect on noise emissions by wind direction and strength** - There is the potential given minimal wind strength, for noise to be carried further, perhaps in the evenings when wind strength is known to dissipate. The current consent allows ic-engined aircraft to be flown up to 7.00pm. No change is proposed to this condition.

**Condition: The Applicant confirms that as a measure to reduce the potential for noise disturbance further, no ic-engined aircraft will be flown after 7.00pm.**

**Noise Emissions Data** - As part of the initial consultation process, controlled noise energy output measurements were taken in and around the flying site by designated LPA officers using a certified sound meter. The tests were conducted in accordance with the Department of the Environment Code of Practice on Noise from Model Aircraft 1982 and supervised by Development Control Committee members. During the test, 4 ic-engined model aircraft were flown simultaneously by SMFC members. The results of the tests show that no model aircraft engine sound could be recorded or heard in the vicinity of residential properties in spite of the fact that the wind direction was towards residential properties.

**The Applicant requests that the results of these tests are associated with this application.**

#### **5. Pattern of Use**

Currently, the Club has 20 members with an upper limit of 35 senior members (those over the age of 18). Several members do not fly at all, most are in full-time employment (flying only at weekends), and others are required to have an available instructor in attendance before being allowed to fly. In almost 4 years of operation, Club membership has never exceeded 25 and the maximum attendance at the flying site has rarely, if ever exceeded 10 members at any one time. There is no reason to suspect that this pattern will change.

#### **6. Flying Schedule**

The Applicant has taken into account, from first-hand experience, the natural restrictions on model aircraft flying imposed by low ambient temperatures, poor weather conditions and poor light – factors which significantly reduce the available hours of operation. By far the biggest self-regulating influence comes from the vagaries of the British weather. The aim of the existing approved flying schedule is simply to provide the opportunity to fly model aircraft given favourable weather and daylight conditions. The schedule should not be interpreted as an intention by the Club or individual members to visit the site on every available day and operate model aircraft continuously during the available hours.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Shildon Model Flying Club*

Another priority is to ensure that the schedule is simple and manageable. It must be easy to understand and operate thus avoiding the potential for misinterpretation which could lead potentially to a breach of planning consent.

**Condition: The following activity schedule will be enforced:**

There shall be no flying of any model aircraft on:

Good Friday  
Christmas Day  
Any Monday except a Bank Holiday Monday  
Any Tuesday that directly follows a Bank Holiday Monday

**'Silent' models** - those that are either silent or powered by rubber, compressed gas or electric motors may be flown at all other times from 10.00am to dusk.

**1c-engined models** - those that are powered by internal-combustion engines, may be flown from 10.00am to 7.00pm on Wednesdays, Fridays, Saturdays, Sundays and Bank Holiday Mondays.

**7. Additional Information**

**Education Initiatives** - It is appropriate to stress the importance of the Shildon Model Flying Club's role in the community. The Club provides ongoing technical and practical support to schools wishing to pursue aeronautical education and activities as part of Design and Technology courses. Perhaps the most significant and rewarding achievement resulted from the assistance provided to St Leonard's RC School, Durham in preparation for the 2005 British Model Flying Association/BAE Systems Flight Challenge. As a direct result of the Club's involvement, the St Leonard's teams were able to attain first place in all 3 classes: Senior, Premier and Junior. The organising member has been awarded a Certificate of Merit by the BMFA for encouraging and assisting youngsters to become active modellers. With the Club's support, the school achieved similar success in 2006

The Club has confirmed its commitment to providing support and encouragement to schools and the local community as part of its ongoing education initiative. Additionally, the Club will continue to promote the activities of model building and flying by providing static and/or flying demonstrations at locally organised events as it has done on a number of occasions in and around Shildon and Newton Aycliffe. **The Local Authority is requested to affirm its support in these initiatives.**

**Model Flying as a Sport** - Model flying is a leisure activity primarily but it is also officially recognised as a sport by Sport England. This organisation provides support to competitors entering both national, European and international competitions. The Club is particularly pleased to have a Control Line Aerobatics champion as a member. This member's record includes 8 Gold medals as an individual national championship winner with numerous British team placements at European and international level.

Local clubs like the Shildon Model Flying Club are a fundamental training ground for competitive sportsmen and women. They provide the necessary environment to encourage active participation and are an integral part of the sporting infrastructure. One of the Club's objectives is to continue to provide the right environment to nurture and support future competition winners. It is stressed that there are no plans to use the flying site at Old Eldon for competitions. Instead, the site is intended to be used for practice and supervised training. **The Local Authority is requested to affirm its support in this initiative.**

**8. Underlying Principles**

It is important to recognise that no justifiable complaints against the Applicant have been recorded during its (almost) 4 year site residency.

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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*Shildon Model Flying Club*

The Applicant is not seeking consent to do something that is unlawful or illegal. Currently, there are 750 clubs registered with the British Model Flying Association with a total membership of almost 30,000 individuals.

The Applicant's activities are not regarded as hazardous or dangerous. Members of the public are not put at risk by the Club's activities. There have been no claims of personal injury or damage to property.

There is no perceptible ecological impact including pollution, erosion or destruction. An independent study has shown that there is no effect on wildlife (ref. 'Study of the Effects of Model Flying on Wildlife', Sep 2003, author - Dr Leo Batten MIEEM, Biodiversity Consultant.)

As a leisure activity, model flying is recognised as an appropriate use of the countryside. This particular site is owned by Lord Eldon and the Applicant has the full and unqualified support of the land agent responsible for managing the site.

**9. Proposal**

The Applicant is seeking permanent planning permission based on an already established pattern of use, its proven safety record, and also its intention to maintain strict regulatory control over the flying of model aircraft from the site.

The Applicant confirms that no physical changes to the existing site or pattern of use are proposed or intended now or for the future. It is a condition of the Club's tenancy that:

- no permanent, non-agricultural groundwork may be carried out,
- no structure or building may be constructed,
- no pollutants, hazardous material and waste of any type may be stored and/or disposed of on the site,
- no oils, fuels or chemicals of any type may be stored on the site,
- with the exception of model aircraft related activity, all other non-agricultural activity is prohibited.

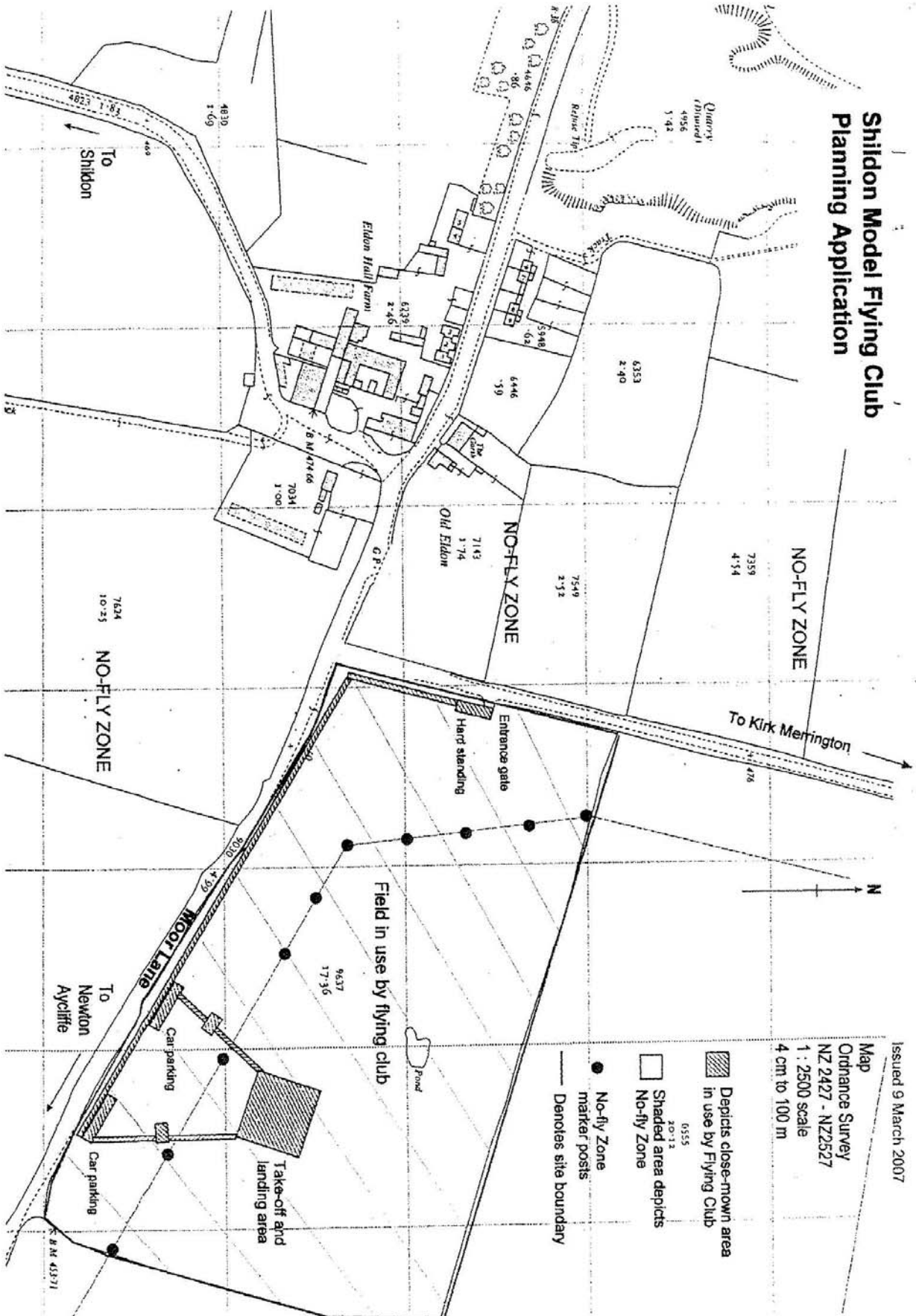
Prepared by:

D Surtees

For and on behalf of:  
Shildon Model Flying Club  
58 Pilgrims Way  
Durham  
DH1 1HQ

**SEDFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

**Shildon Model Flying Club  
 Planning Application**





## SEDFIELD BOROUGH COUNCIL

### PLANNING APPLICATIONS - TO BE DETERMINED

'The Croft'  
7 Old Eldon  
Shildon DL4 2QT

8 Old Eldon  
Shildon  
DL4 2QT

'The Garth'  
Old Eldon  
Shildon DL4 2QT

'Tree Tops'  
4 Old Eldon  
Shildon DL4 2QT

1 South View Cottages  
Old Eldon  
Nr. Shildon DL4 2QX

2 South View Cottages  
Old Eldon  
Nr. Shildon DL4 2QX

Steve Teasdale Esq  
Planning Services  
Sedgefield Borough Council  
Spennymoor DL16 6JQ

6<sup>th</sup> April 2007

Dear Sir

**ACT/REGULATION: TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSAL: RENEWAL OF TEMPORARY PLANNING PERMISSION 7/2006/0222/DM FOR CHANGE OF USE OF LAND FOR USE BY MODEL FLYING CLUB**

**LOCATION: LAND ADJACENT TO MOOR LANE OLD ELDON COUNTY DURHAM**

**APPLICANT: Shildon Model Flying Club**

We the undersigned, resident at the above addresses, wish to object in the strongest terms to the above planning application as described in your letter of 26<sup>th</sup> March 2007. This is because:

1. We believe that any planning permission for this activity at this site must remain temporary.
2. We believe that the site is totally unsuitable for model flying, but, in the spirit of the compromise accepted unanimously by your Development Control Committee in April 2005, we are happy for that system to be re-introduced if temporary planning permission is approved for another year. This would replace the unacceptable system which was imposed upon residents against their will in May 2006 (ref 2006/0222/DM) and which the Shildon Model Flying Club (SMFC) is now wishing to continue.
3. The 2005 compromise, guaranteeing alternate noise-free Saturdays/Sundays for residents at Old Eldon, was in the spirit of the 1982 D of E Code of Practice, the overwhelming point of which was to achieve harmony between conflicting interests. The renewal of the 2006 permission would only aggravate the animosity between these interests and cause a continuing stream of complaints from residents.
4. Detailed arguments were made in support of these points in our letters of 21<sup>st</sup> February 2006 from Mr and Mrs Thornton and Mrs White (copy 1 enclosed); of 6<sup>th</sup> March 2006 from eight other residents of Old Eldon (copy 2 enclosed) and of 28<sup>th</sup> April 2006 (copy 3 enclosed) re-iterating those arguments when the original 2006 application 2006/0067/DM was withdrawn and replaced by 2006/0222/DM.
5. Residents felt so strongly about the injustice of the planning report to Committee of 2006, which led to that year's temporary planning consent, that they complained about it to the Director of Neighbourhood Services in their letters of 21<sup>st</sup> May 2006 and 3<sup>rd</sup> June 2006, and then to the Chief Executive (CE) in their letter of 23<sup>rd</sup> June 2006. No doubt you are familiar already with these letters. When the investigation set up by the CE in June 2006 was still not concluded by March 2007, a complaint was made to the Ombudsman and the outcome of that is awaited.
6. Much more evidence has been submitted since May 2006 to your department through Mr Farnie and in particular you should read Mr Robinson's 'Submissions 1 to 8' which record SMFC's activities over the past year. They give a very different picture from that which the Club paints in the current application. The records show administrative incompetence, overflying of the non-fly zones, excessive noise, model crashes, model flying unsupervised by properly appointed Club officials, and breaches of the British Model Flying Association's (BMFA's) rules.
7. There are many other e-mails and letters from residents to your department and to Environmental Health which should also be examined carefully before your recommendations to Committee are finalised.
8. For example, Mr Robinson's e-mail of 19<sup>th</sup> February 2007 (copy 4 enclosed) which accompanied 'Submission 8', shows the severe under-use of the 2006 permission's allowed times for internal-combustion-engined models. Model Flying Clubs are urged by the BMFA web-site to exaggerate their needs on the grounds that local authorities halve the times requested! In 2005 a Mr Hillary, a Club official at the time, actually confessed to two residents that SMFC had adopted this stratagem.

Cont/2.

**SEDGEFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

-2-

9. Several residents have also complained directly to Environmental Health about noise, as well as those complaining to planning department, but because only two residents have filled in Statutory Nuisance Complaint Forms (because of the difficulty of doing so in this unusual type of case), it is said that only two people have complained about noise! This is totally misleading and must be corrected.
10. Environmental Health have recently been taking noise readings at two properties for the first time and more residents are now coming forward to fill in Nuisance Complaint Forms. Ms Beaumont also recently tested 9 standing models under the D of E Code.
11. In these tests 2 failed the 80 dbA noise levels, only to pass when re-tested after "adjusting" the propellers. The Club claimed propeller settings do not affect performance but we find this hard to believe, otherwise why would they not have had the quieter settings from the start? If this is so, a return to the noisier settings is a simple operation once the testing officer has left the site.
12. In its 2007 application, the Club again wishes to be associated with the noise test results at the Members' site visit in April 2005 – but at this 2 models failed and were not allowed to fly. Yet it was after this visit that Members agreed the 2005 'compromise' even without hearing the failed models.
13. In the 2005 application the Club said they fly only models up to 3.2kg, yet in the 2006 consent your Council allowed an increase to 7kg without any noise tests being made on these larger models. Has Ms Beaumont tested any of these larger models since?
14. In the 2005 application the Club said it was moving towards using silent electric models but there has been no flying at all on 'silent' days (copy 4 enclosed). How many electric models does SMFC have?
15. In the 2007 application the Club repeats its assertions that model flying is "officially recognised as a sport by Sport England." We contacted Sport England's northern office in 2005/6: they said it was regarded as "an acceptable activity" but that in the north at least they do not fund it.
16. In the letter of 21<sup>st</sup> February 2006 (copy 1 enclosed) Mr Thornton conclusively disproved the Club's claim to educational validity yet they continue to make the assertion this year.
17. The worst canard still being made this year by the Club is that "no justifiable complaints against the Applicant have been recorded during its (almost) 4 year site residency." This is because your Council has carried out no monitoring of any kind until Ms Beaumont's recent activity (which is not concluded and is only spasmodic) and planning department has not even acknowledged our many complaints until a recent non-committal reply in February 2007 by Mr Farnie to 'Submission 8'.
18. You must check with Mr Scrope of Eldon Estate as to his attitude to the Club. Whilst undoubtedly being willing to help them, only this week he advised a resident in writing that "I will again attempt to 'divert' the Flying Club towards the Mordon Carrs." This is hardly the ringing endorsement claimed by the Club and reinforces our belief that all men of goodwill should support the kind of compromise reached in 2005. The Club seems to have wiped that compromise from its collective memory.

**This letter is written by 11 residents of Old Eldon who expect you to make clear to the Development Control Committee in your report to them that 11 objections, and not 1, have been made to SMFC's 2007 planning application, but that these objectors will accept the 2005 compromise scheme if necessary.**

Yours faithfully



C I Carr



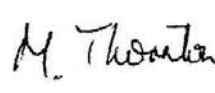
G J Egerton



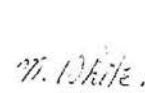
S Katai



H Robinson



M Thornton



Mrs M White



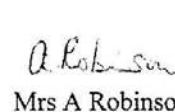
Mrs B Carr



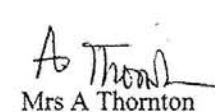
Mrs J Egerton



Mrs J Katai



Mrs A Robinson



Mrs A Thornton

cc Glyn Hall Esq Director of Neighbourhood Services; Brian Allen Esq Chief Executive



**SEDFIELD BOROUGH COUNCIL**

**PLANNING APPLICATIONS - TO BE DETERMINED**

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**3.** 7/2007/0399/DM APPLICATION DATE: 5 July 2007

PROPOSAL: **ERECTION OF 10.2 METRE HIGH MICRO WIND TURBINE  
(RETROSPECTIVE APPLICATION)**

LOCATION: **TESCO GREENWELL ROAD NEWTON AYCLIFFE CO DURHAM**

APPLICATION TYPE: Detailed Application

APPLICANT: Tesco Plc

**CONSULTATIONS**

1. GREAT AYCLIFFE TC
2. Cllr. Paul Gittins
3. Cllr. Brian Haigh
4. Cllr. Terry Hogan
5. DCC (TRAFFIC)
6. ENGLISH NATURE
7. ENGINEERS
8. ENV. HEALTH
9. L.PLANS
10. LANDSCAPE ARCH
11. Teeside Airpor
12. NATS
13. OFCOM
14. Ministry of Defence
15. Colin Holm

**NEIGHBOUR/INDUSTRIAL**

Stanfield Road:2

Acle Burn:4

Biscop Crescent:18,20,22,24,26,28,30,32,34,36,38,40,42,44,46,48,50,52,54,56,58,60,62,64

Suite 5 Suite 4 Suite 3 Suite 2 Suite 1 Avenue House Allan Walk:5,4

Central Avenue:2,3,4,5,6,7,8,9,10,11,Orange PCS Ltd,DCC

Shield Walk:7,6,5,4,3,2,1

Shafto Way:159,161,163,165,167,169,92,94,96,98,100,102,104

Burn Lane:13,12,11,10,9,8,7,6,5,4,3,2,1

**BOROUGH PLANNING POLICIES**

- |     |  |
|-----|--|
| D1  | General Principles for the Layout and Design of New Developments |
| E1  | Maintenance of landscape character                               |
| E13 | Promotion of Nature Conservation                                 |
| E14 | Safeguarding Plant and Animal Species Protected by Law           |
| D10 | Location of Potentially Polluting Developments                   |

**SEDGEFIELD BOROUGH COUNCIL**  
**PLANNING APPLICATIONS - TO BE DETERMINED**

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**This application would normally be a delegated matter but has been referred to Development Control Committee for consideration at the request of a Ward Councillor in accordance with the Council's Scheme of Delegation.**

**THE PROPOSAL AND SITE DESCRIPTION**

The applicant, Tesco Plc, is seeking retrospective planning permission for the erection of a 10.2m high micro wind turbine at the Tesco Store on Greenwell Road, Newton Aycliffe. The turbine has been erected since the 20<sup>th</sup> June 2007 and a retrospective planning application was submitted on the 29<sup>th</sup> June 2007. A photograph of the turbine is shown below.

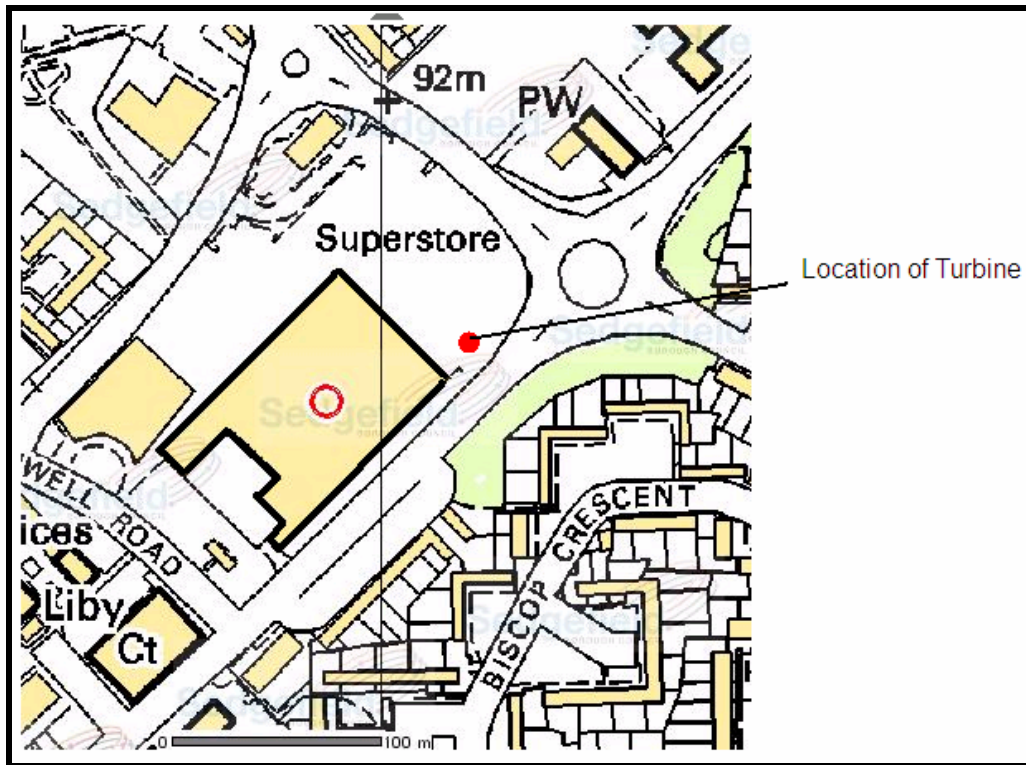


The turbine is vertically driven and will have a capacity of 6 kilowatts. It will produce enough electrical power to supply the equivalent of around four average UK households, and would prevent, on an annual basis, the emission to the atmosphere of approximately 24 tonnes of carbon dioxide. The proposed turbine will supplement the power needs of the store. This turbine is the first of its kind to be used by Tesco and if successful a scheme will be put in place to gain planning permission for all of the suitable Tesco stores throughout the UK. Given the number of Tesco sites, it is considered that these turbines would have a significant cumulative benefit of reducing carbon emissions.

The plan below shows the location of the turbine relative to the Tesco store and the nearest residential properties on Central Avenue which are approximately 50 metres away.

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**PUBLICITY AND CONSULTATION RESPONSES**

***Great Aycliffe Town Council*** - Raises no objection or observations.

***Durham County Highways Officer*** – Have no highway objections.

***Environmental Health*** – Have no objections to the development but have requested that conditions be imposed on any permission

***English Nature*** – No objections raised.

***Countryside Officer*** – No objections raised.

***Durham Tees Valley Airport*** - Have made no objections to the development.

***National Air Traffic Services (NATS)*** – Have no objections.

***Ministry of Defence*** – Have no objections.

***OFCOM*** – Have advised that operators may be affected and that the applicant contacts each.

**PUBLIC CONSULTATION**

The application was advertised by notices posted in the vicinity of the application site and a total of 76 letters sent to neighbouring residents.

At the time of writing this report, three letters of objection had been received from members of the public. The objectors are the residents of 7 Central Avenue, the residents of 4 Acle Burn

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and the residents of 9 Central Avenue. The objections are based on the grounds that the turbine is an eyesore and that it would be a visual distraction to passing motorists on Central Avenue. Concerns have also been raised by the resident at 7 Central Avenue that the turbine is higher than the original store and it was built without planning permission.

The resident of 4 Acle Burn considers that solar panels would have been much better due to the large surface area of the roof.

The residents of 9 Central Avenue have no objection to the development in principle but are angry with the fact that the turbine was erected without planning permission. Concerns were also raised with regards to the planning history of the site but this application can only be determined on its own merits.

**PLANNING CONSIDERATIONS**

The consideration of wind turbine proposals is a balance between Government Policy commitment to the development of renewable energy resources and the protection of the environment and residential amenity of any neighbouring occupiers. In assessing the application careful consideration has been given to the responses from specialist consultees, interested parties and local residents. It is considered that the key issues in this case are:

- Whether the development is in accordance with National and Local Policy
- Landscape and visual Impact and the effects on highway safety
- Impact of noise on Residential amenity

**PLANNING POLICY**

Government Guidance, as contained in PPS22, supports onshore wind farms and wind turbines. There is a commitment to seeking to achieve a level of 10% of national electricity generating capacity from renewable sources by the year 2010. This guidance states that renewable energy development should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be satisfactorily addressed. There is an acceptance that turbine siting will generally be a compromise between maximising energy capture and minimising visual impact.

The County Durham Structure Plan contains a section relating to Energy Generation and states that proposals for wind turbine developments must be assessed against Policies 80 and 81. Policy 81 offers general encouragement to the generation of energy from renewable sources. However, Policy 80 (A) requires account to be taken of the wider impacts of such proposals, particularly on the local environment and local communities.

The principle of the development is considered to be in general conformity with National Planning Policy and the Durham County Structure Plan which support the provision of sustainable forms of energy production. The proposal however needs to be viewed against the environmental constraint policies set out in the Borough Local Plan and the Structure Plan.

Sedgefield Borough Local Plan does not contain any specific policy that relates to renewable energy although there are key policies which need to be considered in the determination of this application, namely;

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- D1 Design and Layout of New Developments
- E1 Maintenance of Landscape Character
- E13 Promotion of Nature Conservation
- E14 Safeguarding Plant and Animal Species Protected by Law
- D10 Location of Potentially Polluting Developments

Policy 64 of the Structure Plan requires that the quality of the County's landscape is maintained and enhanced by ensuring that amongst other things, attractive landscape characteristics are maintained and landscape distinctiveness is enhanced. Policy 67(B) aims to protect Sites of Special Scientific Interest (SSSI) from adverse impact by development proposals. There are no such sites within the vicinity of the application site.

#### LANDSCAPE AND VISUAL IMPACT

The proposed turbine is located in a predominantly urban commercial area. It is considered that the turbine is well related to its surroundings and does not appear dominant, particularly when viewed in the context of the adjacent store, petrol station, lighting columns, advertising signs, street furniture and trolley parking shelters, all of which are located in close proximity.

When viewed from the east of the site it is considered that the turbine blends in well with the existing building due to its height, materials and colour while at the same time adding a feature to the immediate landscape. When viewed from the north and south of the site it is considered that the turbine is easily assimilated into the existing streetscene and car parking furniture and it is not more obtrusive than the current building and the Tesco advertising signs.

The applicant has requested that the turbine is given a temporary consent for 15 years but due to the fact that the development is a new technology and of a new design, the Local Authority cannot be certain how it will weather and age. It is therefore considered that a 5 year temporary consent would be more reasonable in order to limit the potential visual impact on the surrounding area.

Due to the fact that the closest residential dwellings are approximately 50 metres away it is considered that the turbine does not have an unacceptable visual impact.

#### IMPACT ON RESIDENTIAL AMENITY

Government guidance contained in PPS22 states that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and where environmental, economic, and social impacts can be addressed satisfactorily. Well-designed wind turbines should be located so that increases in ambient noise levels around noise sensitive developments are kept to acceptable levels. It is considered that this has been achieved through the good design of the turbine and through allowing sufficient distance between the turbine and the existing dwellings around the site so that noise from the turbines will not be significant. Noise levels from wind turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise. The Council's Environmental Health Department have been consulted with regards to the development and have not raised any objections. It is considered that a condition limiting noise levels will protect the residential amenity of all the neighbouring residents and will minimise any adverse impacts through noise and traffic.

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**IMPACT ON NATURE CONSERVATION**

Natural England have been consulted with regards to the proposal and they have stated that based on the information provided the proposal is unlikely to have an adverse affect in respect to protected species.

As part of the determination of the application consultation was also carried out with the Council's Countryside Officer. He has stated that wind turbines can have an impact on a range of species; however the location of this particular development is isolated from known sites of biodiversity interest. The site is also heavily built up and surrounded by modern housing, with no suitable trees for bat roosts, and with poor connectivity to surrounding suitable bat habitat. It is therefore considered that the theoretical risk of a bat strike is low. Therefore an informative shall be placed on any permission in order to afford further protection for any bats. Some garden birds may use the site; however it is considered that the design of the turbine presents a minimal risk.

**HIGHWAY SAFETY**

As part of the determination of the application Durham County Council Highways Department were consulted in order to ascertain whether the proposed turbine would have an adverse impact on the highway network. No objections were raised from the Highway Engineers due to the design of the wind turbine and the structure being sited over 10.2m away from the highway. It is therefore considered that the turbine will not represent a significant distraction to drivers passing the site and it is considered that the proposed development will not have an adverse impact on the surrounding highway network in terms of vehicular traffic and will not create an increased danger for pedestrians or vehicular traffic.

**AIR TRAFFIC SAFETY**

No objections have been received from MOD and Durham Tees Valley Airport. The National Air Traffic Services have offered no safeguarding objections to the proposal.

**TV & RADIO INTERFERENCE**

Wind turbines can cause TV interference. However, as advised by OFCOM and the JRC, this can usually be quickly addressed and rectified. Should planning permission be granted suitable conditions are suggested that would require any problems to be rectified by the developer.

**CONCLUSION**

It is considered that the proposed turbine, in view of the size, scale, materials and location would not have a substantial impact on the landscape and visual amenity of the area. Furthermore, in view of the distance between the nearest properties and the proposed turbines it is considered they would not be harmful or overbearing or detrimental to the residential amenity.

The application has been fully assessed on its individual merits and within the context of national, regional and local planning policies. It is considered that the environmental benefits of the provision of clean green electricity compared to fossil fuel powered generation of the equivalent energy outweigh any visual impact of the use of this site as is proposed.

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**HUMAN RIGHTS IMPLICATIONS**

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**RECOMMENDATION**

**It is recommended that planning permission be granted subject to the following conditions.**

1. This consent is granted for a temporary period of 5 years from the date hereof when, unless the renewal of consent has been sought and granted previously, the turbines and their ancillary development hereby approved shall be removed and the land reinstated to its former condition in accordance with details to be submitted to and approved by the Local Planning Authority. Reinstatement works shall be undertaken within a 6 month period immediately following the expiry of this permission.

Reason: The development is such that it could not be approved for permanent development.

2. No generation of electricity from the development hereby permitted shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority providing for the remediation of any interference to radio telemetry links caused by the operation of the turbines. The approved scheme shall be implemented thereafter.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

3. No generation of electricity from the development hereby permitted shall take place until a report detailing a scheme for the investigation and alleviation of any electromagnetic interference to TV reception, which may be caused by the operation of the wind turbines hereby approved, has been submitted to and approved in writing by the Local Planning Authority. The recommendations stated in the report shall be followed and, where necessary, any upgrading works implemented.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

4. When in operation, noise from the turbine shall be limited to a level of 35 dB (A) L90 10min , or 5dB above the prevailing background level, up to wind speeds of 10m/s when measured at 10 metres height, at the nearest sensitive premises.

Reason: In order to protect occupiers of nearby dwellings from noise pollution in accordance with Policy D10 (Location of Potentially Polluting Developments) of the Sedgefield Borough Local Plan.

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**INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION**

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its impact upon highway safety, visual and residential amenity of the area, wildlife and ecology and in contributing to the reduction of emissions to the atmosphere and in the production of green electricity.

**INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION**

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

D1 Design and Layout of New Developments

E1 Maintenance of Landscape Character

E13 Promotion of Nature Conservation

E14 Safeguarding Plant and Animal Species Protected by Law

D10 Location of Potentially Polluting Developments

**INFORMATIVE:**

Micro wind turbines may present a risk to bats, which receive protection under the Habitats Regulations, 1994 and the Wildlife and Countryside Act, 1981. Should you find any evidence that the wind turbine has killed or injured a bat you should switch the wind turbine off immediately and contact Natural England for further guidance.